



**AGENDA**

**FOR THE**

**ORDINARY MEETING**

**OF COUNCIL**

**TO BE HELD ON**

**TUESDAY, 26 MARCH 2013**

The Council Meeting will be followed by a meal in the Shire's Administration Centre.

**PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING**

Members of the public are cautioned against taking any action on Council decisions, on items in this Agenda in which they may have an interest, until such time as they have been advised in writing by Council staff.

# NOTICE OF MEETING

PLEASE BE ADVISED THAT THE  
  
ORDINARY MEETING OF COUNCIL

COMMENCING AT 4.00PM

WILL BE HELD ON

TUESDAY, 26 MARCH 2013

IN COUNCIL CHAMBERS AT  
13 WALDECK STREET, DONGARA WA



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Geoff Peddie  
A/Chief Executive Officer

22 March 2013

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## DISCLAIMER

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

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## **AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD IN THE COUNCIL CHAMBERS ON TUESDAY, 26 MARCH 2013 COMMENCING AT 4.00PM**

<b>PRESENT:</b>	President	Cr S C Chandler (Presiding Member)
	Councillors	Cr K J Hepworth (Deputy President) Cr J B Fitzhardinge Cr R J Porteus Cr B C Scott Cr M T Smith Cr I F West
	Staff	Mr D J Simmons - Chief Executive Officer Mr G M Peddie – Director Corporate and Community Mr G F Coaker – A/Director Planning and Infrastructure Mr A S Wootton – Manager Works Mrs H M Sternick – Manager Corporate Services Mrs C M Palmer – Manager Community Services Ms E Greaves – Executive Assistant Miss L E Tunbridge – Research and Projects Officer
<b>GUESTS:</b>		Nil
<b>APOLOGIES:</b>		Nil
<b>LEAVE OF ABSENCE:</b>		Cr R T McClurg

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- 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
  - 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
  - 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
  - 4. PUBLIC QUESTION TIME**
  - 5. APPLICATIONS FOR LEAVE OF ABSENCE**

Cr K J Hepworth has submitted a Leave of Absence Request Form for the period 18 – 30 April 2013.

Cr R T McClurg has requested a leave of absence for the March and April 2013 Ordinary Council meetings.

Chief Executive Officer, Darren Simmons advised that he will be on leave for the April 2013 Ordinary Council meeting.

**6. PETITIONS**

Nil

**7. CONFIRMATION OF MINUTES**

**7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 26 FEBRUARY 2013**

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A copy of the Minutes of the Ordinary Council Meeting held on 26 February 2013 has been provided to all Councillors under separate cover.

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**COUNCIL MOTION:**

**MOVED:** Cr \_\_\_\_\_

**SECONDED:** Cr \_\_\_\_\_

*That the Minutes of the Ordinary Council Meeting, held on 26 February 2013, be confirmed as a true and accurate recording of that meeting.*

**8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

## 9. REPORTS

### CORPORATE AND COMMUNITY

CC01 – 03/13

**Subject:** Accounts for Payment  
**Reporting Officer:** Manager Corporate Services  
**Date of Report:** 19 March 2013  
**File Reference:** Minute Book  
**Voting Requirements:** Simple Majority

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#### Report Purpose:

To receive the list of accounts paid under delegated authority during February 2013.

#### Officer's Recommendation:

**That the Accounts paid during February 2013, represented by Municipal Cheque Numbers 30036-30071, EFT payment numbers 14121-14255 totalling \$449,502.56, Police Licensing Payment No's PL010213 – PL260213 totalling \$40,035.95, Trust Payments 0.00, Credit card payment \$51.90 & Vehicle Lease payment \$1,707.02 be received.**

#### Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of February 2013.

#### Officer's Comment:

Nil

#### Financial Implications:

Nil

#### Statutory Implications:

13. Lists of accounts

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) the payee's name;
  - (b) the amount of the payment;
  - (c) the date of the payment; and
  - (d) sufficient information to identify the transaction.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
  - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting.

#### Policy Implications:

Under Delegation C3 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

#### Strategic Implications:

SCP Outcome 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.

**CORPORATE AND COMMUNITY**

**CC02 – 03/13**

**Subject:** Financial Statements for the Period ending 28/02/2013  
**Reporting Officer:** Manager Corporate Services  
**File Reference:** Minute Book  
**Date Prepared:** 19 March 2013  
**Voting Requirements:** Simple Majority

**Report Purpose:**

To consider and receive the Monthly Financial Statements for the period 1 July 2012 to 28 February 2013.

**Officers Recommendation:**

**That the Monthly Financial Statement for the period 1 July 2012 to 28 February 2013 be received.**

**Background:**

The Monthly Financial Report to the 28 February 2013 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity by Program
- Statement of Cash Flows
- Schedules 3 – 14 Budget vs Actuals Comparison
- Graphical Representation – Statement of Financial Activity
- Net Current Funding Position
- Cash and Investments
- Receivables
- Cash Backed Reserves
- Information on Borrowings
- Capital Disposals and Acquisitions
- Trust Fund
- Budget Amendments
- Restricted Assets
- Port Denison Retirement Village Operating Statement

**Officers Comment:**

Nil.

**Financial Implications:**

Nil.

**Statutory Environment:**

The Local Government (Financial Management) Regulations provides as follows:

Section 34. Financial activity statement report

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (b) budget estimates to the end of the month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;

- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing -
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - (b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown -
  - (a) according to nature and type classification;
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -
  - (a) presented to the council -
    - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
    - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
  - (b) recorded in the minutes of the meeting at which it is presented.

**Policy Implications:**

Nil.

**Strategic Implications:**

SCP Outcome 4.2.1 Ensure compliance whilst embracing innovation and best practice principles  
SCP Outcome 4.3.3 Adopt best practice processes to achieve a high standard of governance and accountability.

**CORPORATE AND COMMUNITY**

**CC03 – 03/13**

**Subject:** Local Government Compliance Audit Return  
**Reporting Officer:** Director Corporate and Community  
**Date of Report:** 7 March 2013  
**File Reference:** FM.AD.1  
**Voting Requirements:** Simple Majority

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**Report Purpose:**

To consider and recommend to Council the adoption of the 2012 Compliance Audit Return.

**Audit Committee Decision/Officer's Recommendation:**

**That the Compliance Audit Return for the 2012 calendar year , as presented, be adopted as the official return of Council and a certified copy of the return, along with the relevant section of the minutes be submitted to the Department of Local Government.**

**Background:**

The Local Government Act requires each local authority to carry out a compliance audit for the period 1 January 2012 to 31 December 2012 in regards to the sections of the Local Government Act and associated Regulations as specified in the Compliance Audit Return. The Compliance Audit Return is to be prepared and presented to the Audit Committee for its review and the results of the review are to be reported to the Council.

The Compliance Audit Return is then:

- a) presented at a meeting of the Council,
- b) adopted by the Council, and
- c) recorded in the minutes of the meeting at which it is adopted.

The Compliance Return was presented to the Audit Committee at its meeting held 12 March 2013 at which it was considered and discussed and recommended for adoption by the Council.

After the Compliance Audit Return has been presented to Council, a certified copy of the return, along with the relevant section of the minutes is to be submitted to the Department by 31 March 2013.

**Officer's Comment:**

A copy of the completed return is provided indicating the officer responsible for completion of each section.

**Financial Implications:**

Nil

**Statutory Environment:**

*The Local Government Act provides at Section 7.13:*

7.13. Regulations as to audits

- (1) Regulations may make provision —
  - (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —
    - (i) of a financial nature or not; or
    - (ii) under this Act or another written law.

*The Local Government (Audit) Regulations provides at Regulation 14:*

14. Compliance audits by local governments
- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
  - (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
  - (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
  - (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
    - (a) presented to the council at a meeting of the council; and
    - (b) adopted by the council; and
    - (c) recorded in the minutes of the meeting at which it is adopted.
15. Compliance audit return, certified copy of etc. to be given to Executive Director
- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
    - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
    - (b) any additional information explaining or qualifying the compliance audit,is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
  - (2) In this regulation —

**certified** in relation to a compliance audit return means signed by —

    - (a) the mayor or president; and
    - (b) the CEO.

**Policy Implications:**

Nil

**Strategic Implications:**

SCP Outcome 4.2.1 Ensure compliance whilst embracing innovation and best practice principles  
SCP Outcome 4.3.3 Adopt best practice processes to achieve a high standard of governance and accountability.

**CORPORATE AND COMMUNITY**

**CC04 – 03/13**

**Subject:** CSRFF Funding Application Dongara Denison Life Saving Club  
**Reporting Officer:** Manager Community Services  
**Date of Report:** 18 March 2013  
**File Reference:** GS.PR.1  
**Voting Requirements:** Simple Majority

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**Report Purpose:**

To consider a Community Sporting and Recreation Facilities Fund (CSRFF) small grant application from the Dongara Denison Surf Life Saving Club.

**Officer's Recommendation:**

**That Council support the application from the Dongara Denison Surf Life Saving Club for the replacement and erection of a new shed subject to building and planning approval being granted under the Shire's Local Planning Scheme prior to the commencement of any works on site and commit to contributing up to \$5,000 of in kind works towards the project as requested.**

**Background:**

The Department of Sport and Recreation has a number of programme categories within its Community Sport and Recreational Facilities Fund (CSRFF) to assist community groups and local government authorities to develop basic infrastructure for sport and recreation, including a small grant category. A full copy of the CSRFF guidelines is provided for Councillors information in the attachments.

The small grant category is designed to assist projects which require a basic level of planning, it has a total project value of \$5,000 to \$150,000 and examples of projects quoted include cricket pitch and practice wickets. There are two rounds each year, closing in March and August. The small grant, if successful, may provide funding of up to one third of the total project funding with the balance being met by the Club or the Club and the local government.

The Local Government is required to assess all the applications received for each round and rate and rank all applications in order of priority. The applications are presented to Council and then lodged at the Department of Sport and Recreation Regional Office by the due date.

The Dongara Denison Surf Life Saving Club has lodged an application with the Shire of Irwin for Community Sporting and Recreation Facilities Fund (CSRFF) small grant application. The application is to replace the existing shed with a larger more secure facility.

The contribution requested from the Shire as part of the small grants application is an in-kind contribution in the form of works and equipment for the purpose of backfill and levelling of the site to prepare the pad for the new shed.

The approval for the funding of this application is dependent on building and planning approval being granted under the Shire's Local Planning Scheme before any work could commence.

**Officer's Comment:**

One application has been received from the Dongara Denison Surf Life Saving Club for funding in the current round of the CSRFF small grants programme. The Club is applying for \$40,000 from CSRFF (1/3) \$5,000 in-kind from Local Government, \$50,000 funding from Lotterywest to support this small grant application, and the club will be paying the remaining from their resources and will supplement their contribution with the provision of voluntary labour .

The Dongara Denison Surf Life Saving Club has a current lease of Reserve No 137, Location 11702 Port Denison until 11 September 2028. The current shed was established in 2002 and was

second hand when erected. The membership of the club has continued to grow and currently has a membership base of 131.

This is an opportunity for the Shire of Irwin to advocate as part of the Strategic Community Plan 2012-2022 to maintain and improve the provision of recreational/sporting infrastructure for improved education and training facilities.

Any assistance from Council however, should be subject to approval of a planning application. The proposal will still be required to undergo the usual statutory planning assessment process under the Shire's Local Planning Scheme.

It is suggested that site works within the capacity of Council's operations team be approved as part of Council's in-kind contribution to this application.

**Financial Implications:**

The financial implications will be \$5000 in-kind contribution in the form of works and equipment for the purpose of backfill and levelling of the site to prepare the pad for the new shed.

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Strategic Implications:**

SCP Outcome 3.1.1 Continue to monitor infrastructure needs and infrastructure utilisation;  
SCP Outcome 3.1.3 Review current use and rationalise community infrastructure assets.

**CORPORATE AND COMMUNITY**

**CC05 – 03/13**

**Subject:** Budget Review 2012/13  
**Reporting Officer:** Manager Corporate Services  
**Date of Report:** 20 March 2013  
**File Reference:** FM.BU.12.13  
**Voting Requirements:** Absolute Majority

**Report Purpose:**

To consider the budget review for the financial year 2012/13 and to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Officer's Recommendation:**

**That Council adopts the review of the Shire of Irwin 2012/13 Budget and recommendations as presented.**

**Background:**

Regulation 33A of the Local Government (Financial Management) Regulation 1996 requires Council to conduct a review of its budget between six and nine months into a financial year. The Regulation requires that the results be submitted to Council to determine whether to adopt the review and recommendations made. Within 30 days of the review a copy of the review and determination is to be provided to the Department of Local Government.

**Officer's Comment:**

The Manager Corporate Services has undertaken a detailed review of the Shire of Irwin Annual Budget for 2012/13 and forecast the final results for the full year to 30 June 2013 based on actual results to 28 February 2013.

Attached is a Rates Setting Statement projecting the estimated position as at 30 June 2013, which indicates an anticipated current net asset position of approximately \$261,898 at year end. A report follows the Statement summarising significant variances to the budget which results in the anticipated final position.

**Financial Implications:**

As noted in the review.

**Statutory Environment:**

**33A. Review of budget**

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must -
  - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
  - (b) consider the local government's financial position as at the date of the review; and
  - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*\*Absolute majority required.*

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

**Policy Implications:**

Nil

**Strategic Implications:**

SCP Outcome 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.  
SCP Outcome 4.3.3 Adopt best practice processes to achieve a high standard of governance and accountability.

**PLANNING AND INFRASTRUCTURE**

**PI 01 – 03/13**

**Subject:** Tender 3-2012/13 'Supply and Lay Asphalt'  
**Reporting Officer:** Manager Works  
**Date of Report:** 18 March 2013  
**File Reference:** RD.TE.4  
**Voting Requirements:** Simple Majority

**Report Purpose:**

To consider tenders supplied for the laying of asphalt for works on Henry Road and Point Leander Drive.

**Officer's Recommendation:**

**That Council accept the tender submitted by Downer EDI Works for Tender 3-2012/13 'Supply and Lay Asphalt for Henry Road and Point Leander Drive footpath'.**

**Background:**

Tenders were advertised in The West Australian on Wednesday 27 February for the Supply and Lay of Asphalt for the Henry Road works and for the Point Leander Drive footpath works. Three tender submissions were received at the closing of tenders at 4pm on 15 March 2013.

Those three tenders were from:

- Catwest Pty Ltd (Geraldton based company);
- Downer EDI Works (national company with operations in the Geraldton region); and
- Fulton Hogan (national company based out of the Perth Metro area).

The 2012/2013 budget allocates \$100,000 for the Henry Road works and \$112,000 for the Point Leander Drive footpath works, a total of \$212,000.

**Officer's Comment:**

Catwest Pty Ltd visited the sites prior to completing their tender submission, to discuss the works involved. Downer EDI Works did not make contact with staff and it is not known whether they visited the sites prior to submission of their tender. A representative from Fulton Hogan contacted Shire staff by phone to obtain further information on the specifications of the work proposed.

A summary of the prices tendered are listed below.

<b>COMPANY</b>	<b>PRICE (Henry Road)</b>	<b>PRICE (Point Leander Dve)</b>	<b>Total Price</b>
Catwest Pty Ltd	\$84,152.20	\$163,866.26	<b>\$248,018.46</b>
Downer EDI Works	\$98,590.80	\$96,563.28	<b>\$195,154.08</b>
Fulton Hogan	\$130,938.50	\$150,218.04	<b>\$281,156.54</b>

\*Prices are inclusive of GST

It is noted that the Point Leander Drive footpath works will involve a large amount of hand work, this may have influenced the pricing guide for Catwest. It is not clear if Downer EDI Works visited the site, however it is felt the tender specifications are comprehensive enough for them to adequately cost the job and to ensure that the works will be completed to the Shire's standards.

As is evident from the table above, Downer EDI Works are the only company to have come in under the budgeted price.

Although there are two different lots of works, it should be noted the tenders are for both jobs and it is not appropriate for the tenders to be split between the two.

**Financial Implications:**

Should Council accept the Officer's Recommendation, the price is under the 2012/2013 Budget allocation by \$16,845.92.

**Statutory Environment:**

Local Government (Functions and General) Regulations 1996  
Division 2 — Tenders for providing goods or services (s.3.57)

**Policy Implications:**

Nil

**Strategic Implications:**

SCP Outcome 2.6.1 Maintain road assets and ancillary infrastructure.

**PLANNING AND INFRASTRUCTURE**

**PI02 – 03/13**

**Subject:** Final Adoption – Scheme Amendment No 14  
**Reporting Officer:** A/Director Planning and Infrastructure  
**Date of Report:** 19 March 2013  
**File Reference:** LP.PL.2.14  
**Voting Requirements:** Simple Majority

**Report Purpose:**

To consider for final adoption proposed amendment No 14 to the Shire of Irwin Local Planning Scheme No 5, which seeks to introduce a new “Development” zone into the Scheme text.

**Officer’s Recommendation:**

**That Council, pursuant to section 75 of the Planning and Development Act 2005, resolves to:**

- 1. Determine the submissions as outlined in the attached ‘Schedule of Submissions’;**
- 2. Adopt for final approval Scheme Amendment No 14 to the Shire of Irwin Local Planning Scheme No 5 without modification; and**
- 3. Seek final approval of the scheme amendment from the Minister for Planning.**

**Background:**

Council, at its meeting held on 28 August 2012, resolved the following in relation to Amendment No 14:

*‘That Council, pursuant to section 75 of the Planning & Development Act 2005, resolves to amend the Shire of Irwin Local Planning Scheme No 5 by:*

- 1. Inserting a new clause 4.2.13 Objectives of the Development Zone;*
- 2. Amend Table 1 – Zoning Table to include a Development Zone;*
- 3. Insert a new clause 4.8 Development Zone, and renumbering subsequent clauses accordingly;*
- 4. Replacing clause 5.23.2 with the requirement for and operation of structure plans in the Residential zone; and*
- 5. Inserting a new clause 5.35 Structure Planning Areas and renumbering subsequent clauses accordingly.’*

Consultation

Following the above resolution, Council was required to advertise the amendment for public and agency comment, in accordance with the requirements of the *Town Planning Regulations 1967*.

Advertising was for a period of 42 days, commencing on the 9 January 2013 and concluding on the 27 February 2013. Advertising included the following:

- Notification published in the Geraldton Guardian;
- Notification published in the Dongara Local Rag;
- Sign of notification erected on site and displayed for duration of advertising period;
- Letters sent to surrounding landowners; and
- Letters sent to all servicing authorities and relevant government agencies.

The amendment document was also made available for public viewing on the Shire’s website and on the front counter of the Shire administration building for the duration of the advertising period.

The amendment was advertised concurrently with Amendment No 15 (rezoning of Lots 4, 5 and 10 Brand Highway, Bonniefield).

At the conclusion of advertising, a total of 5 submissions were received.

Four of these were from government agencies or servicing authorities advising of no objection/comment, although both Telstra Corporation and Main Roads Western Australia provided advice relevant to any subsequent subdivision and development. One objection was received from a nearby landowner.

A schedule of submissions is attached, providing a summary of each submission and a suggested Council recommendation in relation to each. A full copy of the landowner submission is also attached.

Council is required to consider each submission, make a recommendation in relation to each and resolve whether or not to proceed with the amendment. If Council resolves to proceed with the amendment, it must also determine whether or not it should be modified.

**Officer's Comment:**

The objection raised during the advertising period has been addressed as per the suggested 'Council Recommendation' column of the attached schedule of submissions. It is however open to Council to modify its recommendation in relation to this and each submission.

In considering this objection it should be noted that Amendment No 14, when considered on its individual merits, simply seeks to introduce the "Development" zone into the Scheme. It does not on its own propose to actually rezone any land. That is the purpose of Amendment No 15, reported separately.

On that basis, it is likely the objection relates more to the rezoning of the land north of Francisco Road, rather than specifically the introduction of the "Development" zone into the Scheme. Regardless though, it is suggested that the original purpose of Amendment No 14, as considered by Council when the amendment was initiated, has not changed as a result of this objection. Specifically, it is felt that introducing the "Development" zone will be a useful tool in 'earmarking' large land parcels, or areas with complex planning issues, for future development, and allowing more detailed planning issues to be addressed during a comprehensive structure planning stage.

It is also noted that the format of the text and the provisions of the amendment to be included in the Scheme are consistent with other Local Planning Schemes, including the City of Greater Geraldton Local Planning Scheme No 5, and is the preferred approach of the Western Australian Planning Commission.

As such, it is recommended that Council proceeds with the amendment and that it be adopted without modification.

**Financial Implications:**

Nil.

**Statutory Environment:**

*Planning & Development Act 2005 (as amended),*

Section 75 – Local planning scheme may be amended

A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within or adjacent to its district, by an amendment –

- (a) Prepared by the local government, approved by the Minister and published in the *Gazette*; or
- (b) Proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the *Gazette*

**Policy Implications:**

Nil.

**Strategic Implications:**

SCP Outcome 2.3.5 Continue to review and implement the Local Planning Scheme and Local Planning Strategies.

**PLANNING AND INFRASTRUCTURE**

**PI03 – 03/13**

**Subject:** Final Adoption – Scheme Amendment No 15  
**Reporting Officer:** A/Director Planning and Infrastructure  
**Date of Report:** 19 March 2013  
**File Reference:** LP.PL.2.15  
**Voting Requirements:** Simple Majority

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**Report Purpose:**

To consider for final adoption proposed amendment No 15 to the Shire of Irwin Local Planning Scheme No 5, which seeks to rezone Lots 4, 5 and 10 Brand Highway, Bonniefield from “General Farming” to “Development”.

**Officer’s Recommendation:**

**That Council, pursuant to section 75 of the Planning and Development Act 2005, resolves to:**

- 1. Determine the submissions as outlined in the attached ‘Schedule of Submissions’;**
- 2. Adopt for final approval Scheme Amendment No 15 to the Shire of Irwin Local Planning Scheme No 5 without modification; and**
- 3. Seek final approval of the scheme amendment from the Minister for Planning.**

**Background:**

Council, at its meeting held on 23 October 2012, resolved the following in relation to Amendment No 15:

*‘That Council, in pursuance of section 75 of the Planning and Development Act 2005, amend the Shire of Irwin Local Planning Scheme No 5 by:*

- 1. Rezoning Lots 4, 5 and 10 Brand Highway, Bonniefield from “General Farming” to “Development” and amending the Scheme maps accordingly.’*

A location plan and concept structure plan is attached for Council’s reference.

Consultation

Following the above resolution, Council was required to advertise the amendment for public and agency comment, in accordance with the requirements of the *Town Planning Regulations 1967*.

Advertising was for a period of 42 days, commencing on the 9 January 2013 and concluding on the 27 February 2013. Advertising included the following:

- Notification published in the Geraldton Guardian;
- Notification published in the Dongara Local Rag;
- Sign of notification erected on site and displayed for duration of advertising period;
- Letters sent to surrounding landowners; and
- Letters sent to all servicing authorities and relevant government agencies.

The amendment document was also made available for public viewing on the Shire’s website and on the front counter of the Shire administration building for the duration of the advertising period.

The amendment was advertised concurrently with Amendment No 14 (introduction of “Development” zone).

At the conclusion of advertising, a total of 5 submissions were received. Four of these were from government agencies or servicing authorities advising of no objection/comment, although both Telstra Corporation and Main Roads Western Australia provided advice relevant to any subsequent subdivision and development. One objection was received from a nearby landowner.

A schedule of submissions is attached, providing a summary of each submission and a suggested Council recommendation in relation to each. A full copy of the landowner submission is also attached.

Council is required to consider each submission, make a recommendation in relation to each and resolve whether or not to proceed with the amendment. If Council resolves to proceed with the amendment, it must also determine whether or not it should be modified.

**Officer's Comment:**

The objection raised during the advertising period has been addressed as per the suggested 'Council Recommendation' column of the attached schedule of submissions. It is however open to Council to modify its recommendation in relation to this and each submission.

In considering this amendment, it should be noted that it must be determined based on its planning merits alone. It is not appropriate that it be determined on economic considerations related to private business.

On its planning merits therefore, it is suggested that the reasoning behind Council's initial adoption of the amendment still stands. That is, it will allow for a logical extension of the existing "Racecourse Estate", which is currently at capacity, while allowing for the land to be integrated into a future urban development of the adjoining lots to the west for higher density residential development, once demand arises and servicing constraints are resolved (most likely in the long term).

In response to the high number of vacant lots already on the market in Dongara and Port Denison, as raised in the objection, it should be noted rezoning Lots 4, 5 and 10 Brand Highway to "Development" zone is intended to allow a mixture of lot sizes, generally ranging from 1 hectare to 4000m<sup>2</sup>. There are currently very few vacant lots in this size range on the market within the Dongara and Port Denison urban area.

As such, it is recommended that Council proceeds with the amendment and that it be adopted without modification.

**Financial Implications:**

Nil.

**Statutory Environment:**

*Planning & Development Act 2005 (as amended),*

Section 75 – Local planning scheme may be amended

A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within or adjacent to its district, by an amendment –

- (c) Prepared by the local government, approved by the Minister and published in the *Gazette*; or
- (d) Proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the *Gazette*

**Policy Implications:**

Nil.

**Strategic Implications:**

SCP Outcome 2.3.5 Continue to review and implement the Local Planning Scheme and Local Planning Strategies.

**OFFICE OF THE CEO**

**CEO 01 – 04/13**

**Subject:** Customer Service Charter  
**Reporting Officer:** Research & Projects Officer  
**Date of Report:** 19 March 2013  
**File Reference:** CU.PR  
**Voting Requirements:** Simple Majority

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**Report Purpose:**

For Council to consider adoption of the Customer Service Charter 2013.

**Officer's Recommendation:**

**That Council adopt the Customer Service Charter 2013 as attached.**

**Background:**

During the community consultation process for the development of the Strategic Community Plan, members of the community were given the opportunity to provide comment on the aspirations and values that will guide the Shire's actions now and into the future.

Results of the community consultation indicate that community members consider it important that the Shire ensures compliance whilst embracing innovation and best practice principles.

**Officer's Comment:**

The Customer Service Charter reflects the aspirations and values identified within the Strategic Community Plan consultation process.

This document also outlines minimum standards that all Shire employees should adhere to when dealing with all ratepayers, residents, visitors, tourists, work colleagues, organisations from the public and private sector, and Shire of Irwin elected members.

If adopted the Customer Service Charter will be made available in a handout form at the Shire Administration Building, Visitors Centre and Recreation Centre.

It is suggested that adoption by Council and compliance by staff of the new Customer Service Charter will go a long way in meeting the expectations of the community and adhering to best practice principles.

It is recommended that the Council adopt the Customer Service Charter 2013 as presented.

**Financial Implications:**

Minor expenditure from Council's existing printing and stationery budget will be incurred in printing the Charter in order to make it available to the public in all Shire buildings.

**Statutory Environment:**

Whilst the new Charter will not have legal status, the Charter will prescribe key performance indicators and other requirements which specify the level of service to be provided by the Shire and outline expectations of staff as they undertake their work.

**Policy Implications:**

Nil

**Strategic Implications:**

SCP Outcome 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

**12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION**

Nil

**13. MATTERS BEHIND CLOSED DOORS**

Nil

**14. CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at \_\_\_\_\_.